

**FIFTY-SECOND DAY**

(Wednesday, April 21, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Message From the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 76, In memory of Dr. Harmon Lowman.

H. C. R. No. 32, Granting permission to R. H. Sharpe to sue the State of Texas.

H. C. R. No. 71, Granting permission to Lamar Construction Company to sue the State of Texas.

H. C. R. No. 83, Providing for a ten-member Interim Committee to study the housing and physical care of criminally insane persons.

S. J. R. No. 14, Proposing Amend-

ments to Sections 4, 22 and 23 of Article IV of the Constitution of the State of Texas, so as to provide a four year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Secretary of State; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives

**Reports of Standing Committees**

Senator Herring submitted the following reports:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 151, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass and be not printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 423, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 531, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 86, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 82, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 362, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. S. B. No. 362 was read the first time.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 512, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 498, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 493, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 357, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 434, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 359, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 437, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. S. B. No. 437 was read the first time.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 49, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. S. B. No. 49 was read the first time.

Senator Reagan submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to which was referred H. B. No. 124, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Senator Rogers submitted the following reports:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 709, have had the same under consideration, and I am

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 80, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROGERS, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred S. B. No. 393, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Senator Ratliff submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 409, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

#### Resolution and Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 15, Providing Committee to negotiate with the Republic of Mexico for the return of the Flag of the Alamo.

S. B. No. 174, A bill to be entitled "An Act authorizing the Board of Regents of East Texas State College to accept from the City of Commerce,

Texas, a gift of land owned by that City; etc., and declaring an emergency."

S. B. No. 226, A bill to be entitled "An Act authorizing the appointment of a court reporter at Law of McLennan County; amending Section 10, Chapter 248, Acts of the 52nd Legislature, 1951; etc., and declaring an emergency."

S. B. No. 407, A bill to be entitled "An Act relating to the transfer of the operation, management, and direction of Arlington State College to the Board of Regents of The University of Texas; amending Section 2, Chapter 459, Acts of the 51st Legislature, Regular Session, 1949; etc., and declaring an emergency."

S. C. R. No. 54, Granting permission to Louis D. Wusterhausen and Maxine Kissman to sue the State of Texas.

S. C. R. No. 74, Requesting the Governor to return S. B. No. 34 for further consideration and correction.

#### Senate Joint Resolution 46 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senators Moore and Dies:

S. J. R. No. 46, Proposing an amendment to the Constitution of the State of Texas, amending Section 51-a and Subsections 51a-1 and 51a-2 of Article III so that the same shall consist of one section to be known as Section 51-a; providing that the Legislature shall enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy aged persons over the age of sixty-five (65) who are citizens of the United States, needy persons under the age of sixty-five (65) who are totally and permanently disabled and who are citizens of the United States, needy blind persons over the age of eighteen (18) who are citizens of the United States, and needy children under the age of twenty-one (21) years who are citizens of the United States and to the caretakers of such children; providing rehabilitation and other services to help such families and individuals attain or retain capability for independence or self-care; authorizing the Legislature to prescribe residence requirements; providing for the acceptance and expenditure of funds from the Government of the United States for such purposes; authorizing appropriations for such purposes out of State funds; providing that the maximum amount paid out of State funds to any individual recipient shall not exceed the amount that is matchable out of Federal funds; providing that the total amount of such payments for assistance and/or medical care out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; providing further that the amounts expended out of State funds for assistance payments only shall not exceed Sixty Million Dollars (\$60,000,000); providing for the necessary election, form of ballot, proclamation, and publication.

To the Committee on Constitutional Amendments.

#### Senate Bill 522 on First Reading

Senator Rogers moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Rogers:

S. B. No. 522, A bill to be entitled "An Act amending S. B. 116, Section 1, Chapter 57, Acts of the 59th Legislature, 1965, to correct the citation designated 'Section 22' which precedes subsection (1) of the Act to read 'Section 22a'; declaring an emergency."

To the Committee on Agriculture and Livestock.

#### Senate Bill 523 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senators Moore and Watson:

S. B. No. 523, A bill to be entitled "An Act amending Chapter 279, Acts of the 55th Legislature, Regular Session, 1957, pertaining to the Pond Creek Watershed Authority; finding a benefit to all land and other property within the Authority; providing Authority was and is created to serve a public use and benefit; defining the boundaries of the Authority; finding a closure and related matters; authorizing the Authority to have all applicable powers in Public Law 566 of the 83rd Congress, Ch. 656 of the 2nd Session, H. R. 6788, and amendments thereto and adopting same by reference; exempting property of Authority and bonds of Authority from taxation; providing for no election for confirmation; adopting the ad valorem plan of taxation for the Authority; providing for bonds of

Authority to be eligible investments; appointing a Board of Directors and related matters; providing for the amount and kind of bonds for directors; providing that certain provisions of Article 7880-77b, Vernon's Civil Statutes, as amended, shall not apply to this Authority; authorizing the Board of Directors to use maintenance tax funds for easements and rights-of-way and for bond purposes or bond sinking funds and providing determination of such by the Board of Directors is final except for fraud, palpable error or gross abuse of discretion; providing it shall not be necessary for plans and specifications, engineering reports, profiles, maps and other data to be filed in the office of the Authority before a bond election is held and it shall not be necessary to secure approval of the Texas Water Commission prior to the issuance of bonds by the Authority, but requiring approval of Texas Water Commission prior to construction of any project; providing bonds issued by the Authority shall be incontestable after approval by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

#### Senate Bill 524 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S. B. No. 524, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in Robertson County by authorizing the county to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; authorizing the refunding of said certificates; etc.; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Report of Standing Committee

Senator Rogers submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred S. B. No. 522, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

#### Senate Bill 522 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent S. B. No. 522 was ordered not printed.

#### Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 28, A bill to be entitled "An Act making it unlawful for any person accused or convicted of a misdemeanor and confined in jail to escape therefrom, or the lawful custody of an officer or any other person authorized by law to have such person in his custody; defining terms; prescribing a penalty for violation thereof; enacting other provisions relating to the subject; etc.; and declaring an emergency."

S. B. No. 123, A bill to be entitled "An Act to amend Acts 1943, 48th Legislature, Page 619, Chapter 358, as amended by subsequent acts, the latest amendment being Acts 1961, 57th Legislature, 1st Called Session, Page 18, Chapter 5, known as and codified as Article 6243g of Vernon's Annotated Texas Statutes relating to municipal pension system in certain cities of this state; etc.; and declaring an emergency."

S. B. No. 487, A bill to be entitled "An Act authorizing the Board of Directors of Texas A&M University to accept James Connally Air Force Base on behalf of the State of Texas and to establish thereon the James Connally Technical Institute of Texas A&M University offering vocational and vocational-technical education programs; providing severability; etc.; and declaring an emergency."

#### Senate Resolution 511

Senator Hardeman offered the following resolution:

Whereas, One hundred and twenty-nine years ago this afternoon at approximately 3 o'clock, occurred one of

the most important battles of history. Seven hundred eighty-three Texans, under General Sam Houston, defeated between 1,500 and 2,000 Mexicans under Santa Anna, the self-styled Napoleon of the West.

Whereas, There should never be a 21st day of April of any year that every Texan doesn't thank God that he is a Texan; that he doesn't look back with pride on the day one hundred and twenty-nine years ago that Sam Houston achieved, with his little army, the independence of Texas. We should always keep in mind the importance of that victory. The whole United States of America, the Western Hemisphere, and every citizen of any of the republics of this hemisphere should be proud of the Texas Army and what they did at San Jacinto. The people of the United States, especially, should celebrate the 21st day of April, because it meant so much, not only to the grand old State of Texas, now a part of the American Union, but to the entire country.

Whereas, We ought to sit up and think about the consequences of that battle that day one hundred and twenty-nine years ago. That was the deciding factor that added to the American Union not only the magnificence of the State of Texas, with its wonderful natural resources, but all of the States of New Mexico, Arizona, California, Nevada, Oklahoma, Kansas, and some of Wyoming—almost one-fourth of the present United States—the greatest cattle section of the world, an area that now produces nearly one-half of the oil of the entire United States. That was all added because of the Texas army of a little more than seven hundred men one hundred and twenty-nine years ago who wrested this country from the tyranny of Mexico.

And that is not all of Texas' contributions; it is not all the results of that famous battle. It has given to the United States of America some of its leading statesmen like Sam Houston, Richard Coke, John H. Reagan, and Jim Hogg.

And today every Texan ought to be thankful of the fact that he is a Texan, the fact that he is the most fortunate man in the place of birth or place of adoption in the whole world, because of the grandeur and greatness of Texas, in which we take the greatest pride.

Whereas, We pause today briefly to

pay respectful tribute to the memory of those intrepid Texans from whom we have inherited the traditions of liberty.

Texas and Coahuila was the name of the territory north of the Nueces River, now known as Texas. From the time of Mexico's independence from Spain it was a part of Mexico. About the year 1821, Moses Austin, an American, was granted a large tract of land in Texas under the condition that he should colonize it with not less than five hundred families. This he and his son, Stephen F. Austin, who carried on his work, attempted to do, but the policy of Mexico towards the colonists was one of oppression to which the Americans would not submit.

The tide that the Austins set flowing ran for nearly a decade before the Mexican government took steps to halt it, and in those years some 30,000 people, colonists and their slaves, came in to give the Texas land a wholly new population, for they quite outnumbered the 3,000 Mexicans who were the only possessors after a whole century of Spanish settlement.

Eventually, the Mexican government repented of its liberality, brought the current of immigration to a stop, sought in various ways to curtail the autonomy of the Texans and to impose its way of life upon them. An army was sent among them to forestall opposition. The first crisis was weathered, but within a few years Mexico passed under the dictatorship of Santa Anna, and no rights seemed to be beyond the reach of an arbitrary military regime. Just as the American colonists of 1774 had appealed to the British Constitution and to their rights as Englishmen, so the Texas colonists of 1834 appealed to the liberalism of the Mexican Revolution and to the suppressed Mexican constitution. But the hand of power was not stayed, and in September of the following year, just as General Gage had sent out to seize the stores of Concord in 1775, so Colonel Ugartechea sent out to seize the brass cannon at Gonzales. The first skirmishes took place and like the Continental Congress, the Texas Consultation issued its declaration of causes for taking up arms. The delegates of the Texas Convention at Washington-on-the-Brazos put their signatures to a document which began:

"When a government has ceased to protect the lives, liberty and property of its people, from whom its legitimate powers are derived—"

It was a declaration of independence, and Texas had its fourth flag—its own flag.

Santa Anna had destroyed constitutional government. He had usurped the powers of the legislative and the judicial branches of the government. He had destroyed freedom of speech, freedom of press, right of trial by jury—privileges which were declared by those 58 delegates to be "The palladium of civil liberty and the only safe guarantee for the life, liberty and prosperity of the citizen." (Not a declaration against Mexico or Mexicans but a declaration against a cruel ruler who had seized the government of Mexico and had suspended all constitutional provisions.)

The suppression of these rights by a dictator constituted a challenge to the liberty-loving instincts of our forefathers. They accepted that challenge and one hundred and twenty-nine years ago laid down the political doctrine that the people of Texas would never be ground under the heel of a tyrant, no matter what the cost.

The convention of 58 delegates, three of whom were Mexicans, gave to posterity one of the world's great documents of liberty. We know it as the Texas Declaration of Independence. It was the instrument which wrested a colony of depressed people from the tyrannical rule of a dictator and transformed them into stalwart citizens of a free republic.

After the declaration, there followed 60 of the most colorful days in the pages of history. The Alamo became the symbol for heroic sacrifice on the altar of freedom. San Jacinto became enshrined in the hearts of all Texans as the noblest example of bravery on the battlefield. It proved to be the greatest triumph on American soil in the cause of freedom. These momentous events occurred within two months following the declaration on March 2, 1836. They deserve this commemoration as evidence of our reverence and respect.

It is a thought worthy also of remembrance that the debacle of the Alamo and the massacre of Goliad were both the result of a dictatorship. Human lives and human rights are no longer safe when a ruler

usurps the powers of constitutional government.

The Alamo fell, a prey to the ruthlessness of the tyrannical Santa Anna. On March 6, 1836, it was surrounded and captured by an overwhelming army of Mexicans; the few Americans or Texas survivors who were taken prisoners were massacred under circumstances of atrocity. Among these were David Crockett, Colonel Travis, James Bowie and many others who had distinguished themselves.

The appeal of Colonel William Barrett Travis should be read on every occasion commemorating the Texas revolution. It is an evidence of the heroism and the price paid for the liberty we enjoy. Permit me to quote that appeal:

"Fellow citizens and compatriots, I am besieged by a thousand or more Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender nor retreat. Then, I call on you, in the name of liberty, or patriotism, and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily, and will, no doubt, increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death!"

Travis did not surrender or retreat, but died like a soldier, as did his entire command. Yes; "Thermopylae had its messenger of defeat; the Alamo had none."

It remained for Sam Houston to avenge the Alamo. It is impossible to visit the battlefield of San Jacinto without marveling at Houston's courage. He deliberately chose a battlefield from which there would be no escape if things went badly, and he lured his enemy into that field. Circled by the San Jacinto River, a marsh, and Vince's Bayou, and with Buffalo Bayou at his back, he directed the destruction of the bridge over Vince's Bayou. He had determined to

end the war on this field, from which there was no escape. All went well. He won the battle and freed an empire. It was one of the decisive battles of history, although lasting only 20 minutes. Outnumbered more than two to one, this victory for the Texas forces won the war.

Ten years later with no loss of liberty to the individual Texan, and no loss of self-government, and no breach of continuity, independent Texas became one of the United States.

Who were these Texans who had won their independence as a sovereign republic, sustained it for 10 years, and now voluntarily surrendered it? The answer is simple: they were Americans, who had come to Texas from all parts of the American Unions, and who were simply resuming the old political relationship with their former fellow citizens.

Texas has won the admiration of the world for its progress during the past one hundred and twenty-nine years. The exemplary conduct of Texas' sons in the war just concluded serves to justify the hopes and aspirations of our patriotic forefathers who declared that Texas would be free and independent.

We may draw a comparison between the Texas struggle in 1836 and the war which we have recently been engaged in. In both, we suffered early ghastly losses—Goliad and the Alamo, Pearl Harbor and Bataan. We find the military commanders in both instances biding their time, in the face of bitter criticism. Then the final, ultimate crushing blow, which avenged the early defeats and achieved complete victory.

Texans made a glorious record in 1836 and they distinguished themselves just as gloriously in this last great war; for the cause was the same as it was one hundred and twenty-nine years ago. Then, Texans won a victory for Texas. Recently, Texans have given of their blood and courage to win a victory for the United States of America and for all peace-loving people everywhere.

The memory of this occasion is evidence that Texans have not ceased to venerate the memory of its heroes of 1836. This important history has a very general American significance, and this therefore is an anniversary in which all Americans may take pride. We of Texas feel that we have a double heritage of independence. Two countries are ours, two flags are



ours, two glorious histories are ours. We may add to the glamor of Lexington and Concord the glory of the Alamo and San Jacinto. We know that the fires of patriotism burned in the breasts of Washington, Greene, Wayne and other famous chieftains of their day, but we know also that the cause of freedom had worthy advocates in Austin, in Houston, in Bowie, in Travis, in Crockett, and the scores of others who had made resplendent the pages of Texas history.

Today we celebrate Texas history; it is also American history. This anniversary is a day for our remembrance and for our proper observance. Let us pledge anew that, as worthy successors of Texas' gallant heroes, we shall prove true to the wondrous heritage of freedom which Texans in recent years as in the past, have struggled mightily to preserve.

Let us today celebrate the greatness and glory of both Texas and the nation, and indulge in the hope that the Lone Star State may continue to be a conspicuous part of this great Republic.

Whereas, On the 27th of March, General Houston, with the main body of the Texas army, reached the Brazos at San Felipe, from whence, for the sake of a secure position, he proceeded some distance above, to Grosse's Retreat, leaving a force of about two hundred men under Captain Baker to guard San Felipe, and sending another small detachment farther down, to Old Fort, to guard the crossing there. At Grosse's, General Houston availed himself of a steamboat, with which to move his troops suddenly to any point they should be needed.

On the 29th, there was a false alarm of the approach of the enemy on San Felipe, whereupon the inhabitants hastily moved their goods across the Brazos, and set fire to the town.

Whereas, Early on the morning of the 10th of April, the advance of the enemy's cavalry appeared at San Felipe, and soon after the main body. General Houston kept a most vigilant eye on their movements. They were prevented from crossing the river at San Felipe by the high waters, as well as by the force opposed by Captain Baker.

On the 11th, it was ascertained that a division of the enemy had begun to cross the river at Old Fort,

and that another division had reached Brazoria by way of the coast; whereupon General Houston made preparations to cross his troops over the river, which was effected on the 12th.

Whereas, From the Brazos, General Houston took the line of march eastward, to "Donahue's," at which place roads, running in the direction of Nacogdoches and Buffalo Bayou, intersect. Having previously, from the Brazos, sent dispatches East, to the Red Lands—threatening to carry the war to their doors if they did not turn out—and also orders to volunteers from the United States, then advancing to join him, to halt and fortify on the Trinity, General Houston, on leaving Donahue's, was about to take the road in the direction of Nacogdoches, but circumstances fortunately directed his march towards Harrisburgh.

Whereas, The division of the enemy, which had now crossed the Brazos, was commanded by Santa Anna in person, who, not knowing the force and position of General Houston, seems to have thought that the war was over, and that Texas was won; he, therefore, hastily proceeded to take possession of the small towns of Harrisburgh and New Washington, which places he caused to be burned on the 17th and 20th. But he was mistaken—and never was man more awfully mistaken; the Texans were close upon him; on the 18th day arrived opposite Harrisburgh. During the day, very opportunely for the Texans, and unfortunately for the enemy, a Mexican courier was taken by that most able Texan spy and brave soldier, Deaf Smith. By this courier General Houston got possession of dispatches and documents showing the situation, numbers, plans, and movements of the enemy. On the morning of the 19th, the Texan army crossed and proceeded down the right bank of Buffalo Bayou, to within about a half mile of its junction with the San Jacinto. Here, on the morning of the 20th, they took up a position in the edge of timber skirting the Bayou, having the timber in the rear, and in front an extensive prairie, interspersed with a few islands of timber.

Fortunately for the Texans, they had now received two pieces of artillery, and, more fortunate still, were about to meet with but one division

of Santa Anna's army, and that commanded by himself in person; having thus the chance of striking a decisive blow, with comparatively little risk.

Whereas, They had occupied their position but a short time, when Santa Anna came marching up in front, with his army in battle array. He was repulsed by a discharge from the Texan artillery, whereupon he fell back, and with his infantry occupied an island of timber about a quarter of a mile distant from the left of the Texan encampment; a little more remote, to the right of the same, he planted his artillery; and at an intermediate point, his cavalry.

During the day there were several skirmishes between the two armies. One of the most important, as subsequently related by General Houston, was between the Texan artillery and the Invincibles of Santa Anna. Just as the former had reached the summit of a swell in the prairie, the latter, in their imposing uniforms of high white caps and white pantaloons, appeared dashing down the opposite swell. The Texans opened a fire of their artillery, when the Invincibles, taken by surprise, broke and retreated. In the result of this affair, the Texans not only had a decided advantage over the enemy, but gained confidence. The "Invincibles" had yielded.

Whereas, Another action of some importance was towards the close of the day, between about eighty men under Colonel Sherman and the enemy's cavalry. This was at the distance of about three quarters of a mile from the Texan camp, near the San Jacinto, where the enemy had then taken a position in the edge of the timber skirting the river, from whence, in front of their camp, they had thrown up a considerable breastwork. Sherman went out to reconnoitre and to get possession of the enemy's artillery, supposed to be at an intermediate point between the two encampments; with the understanding that he was to be sustained by the body of infantry under Colonel Willard, which was at the same time drawn out. Not finding the piece of artillery, which had been removed, Sherman proceeded to reconnoitre. Seeing the enemy's cavalry drawn up in front of their entrenchment, ready for an engagement, he charged upon them, drove them back behind their

infantry, sustained the fire of the latter for some minutes and then, in danger of being surrounded and cut off by superior numbers, after having performed some feats of daring chivalry, retreated, with the loss of advantage, though not of credit.

During the morning, the ever memorable morning, of the 21st, the enemy, reinforced by five hundred choice troops under General Cos, were seen actively engaged in fortifying their position. It was time that the great conflict for the soil of Texas should be decided; the Texans were impatient; delay would only increase the already great disparity of the forces opposed. General Houston held a council of his officers. It was determined to attack the enemy at their breastwork. General Houston relied upon the impetuosity of Texans in a charge; he was not deceived. He gave orders for the bridge over Sim's Bayou, on the only accessible road to the settlements on the Brazos, to be destroyed, to prevent all escape; and at half past 3 o'clock p.m. the army began to move in three divisions. The General himself led the van. They moved on with the stillness of death; not a drum, nor fife, nor voice was heard. Everyone was rousing his soul for the conflict. When within two hundred yards of the enemy, they were formed in line of battle, and received with a shower of musket balls and grapeshot. They then marched to the attack with trailed rifles—silent, but swift and determined. When within seventy yards the word was given, "fire!"—and an instantaneous blaze poured upon the enemy the missiles of destruction, literally mowing them down into the arms of death. Then the word "charge!" was given, accompanied by the soul-stirring tune of "Yankee Doodle." The effect was electrical; language cannot describe its exhilarating power; new ardor seized the souls of the Texans; their native country, her victories and her power, came to their minds; they felt that they were invincible. "Yankee Doodle" was heard above the roar of arms; and, with the shout of "the Alamo," they rushed upon their foe—and victory rewarded their valor, and vengeance atoned for their wrongs. Seven hundred Mexicans lay a sacrifice to the shades of departed heroes slaughtered at the Alamo and Goliad. Thus ended the glorious battle of

San Jacinto, and the Mexican dominion in Texas.

Whereas, Few battles of the world have been more decisive and tremendous in their influence over civilization than the Battle of San Jacinto. It changed the map of the North American continent and opened the way for the United States to extend its boundary to the Rio Grande on the southwest and to the Pacific Ocean on the west. It sealed the destiny of the Texas Republic; confirmed its Declaration of Independence; drove from the country east of the Rio Grande an invading host, and established liberty where tyranny sought to enthrone itself. The slaughter of the defenders of the Alamo; the murder of Fannin's command at Goliad; the butchery of Ward's and King's troops were the compelling events which drove Houston's brave men to fight like demons when the imperious Mexican faced them on the field of battle.

On his retreat from the Colorado and Brazos, Houston reached a point opposite Harrisburgh on the Buffalo Bayou April 18th. From here he sent his scouts, Henry W. Karnes and Deaf Smith, across the bayou in search of information of the Mexican army. They soon returned to Houston's camp with two Mexican couriers carrying dispatches from General Filisola to Santa Anna. This was the first information Houston had received that Santa Anna was personally in command of those troops. Orders were at once given to cross the bayou, the companies were formed into line, and Houston rode up and addressed them. He told them that they must prepare for battle. That the enemy was near, and whenever and wherever he was found he proposed to give battle. He gave them as the battle cry, "Remember the Alamo! Remember Goliad!" Instantly the words were shouted out by every man present. General Houston referred to the cruelties of Santa Anna's army; the slaughter of Travis; of Crockett; of Bowie; of Fannin; of Ward; of King, and their companies; and told them that the opportunity for revenge was near that a battle was inevitable and victory was sure. General Rusk followed Houston with a strong appeal to the army to act well their part in the battle soon to take place. "They are better equipped than we and their numbers are greater, but God

and right are with us and will give us the victory," he said.

Whereas, These addresses greatly inspired every man of the little army, and they awaited only the orders to march. The order was soon given, and the little band fell into line without the beat of a drum or the floating of banners, resolved to conquer or die. And as they marched toward Santa Anna's troops few words were spoken. Their minds and hearts were fixed on home, their families, their country. Reaching a point a few miles from where the supreme struggle was to be made, the army halted. The weary men took shelter under the cover of a grove and slept a short time. General Houston rose at daybreak. Pickets were advanced from every direction and scouts were sent out. The scouts soon returned with the information that Santa Anna with his army was not far distant. As soon as the scouts returned with the information that Santa Anna's army had been located, fires were built preparatory to the cooking of the beeves previously dressed.

Whereas, April 21st has been set aside as a state-wide holiday and is generally observed.

Whereas, The Senate has shown a callousness and a complete disregard for the importance of this outstanding event in the history of our State and Nation, by failing to properly observe this memorable day; therefore, be it

Resolved, By the Senate of Texas, that the Senate pay proper tribute and respect to the memory of those great heroes who were responsible for our Liberty and Freedom, and that immediately upon the passage of this resolution the Senate stand adjourned until 10:30 a.m. Thursday morning in honor of the immortal heroes of San Jacinto.

The resolution was read.

(Pending discussion by Senator Hardeman of his resolution, Senator Kazen occupied the Chair.)

(President in the Chair.)

Question—Shall S. R. No. 511 be considered immediately?

#### Notice of Executive Session

Senator Krueger gave notice that he would move for an Executive Ses-

sion at 11:30 o'clock a.m. on Thursday, April 22, 1965.

#### Reports of Standing Committees

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 748, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 523, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 865, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Departments and Institutions, to whom was referred H. B. No. 580, have had the same under consideration, and we are instructed to report

it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 524, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

#### House Bill 1040 Re-referred

On motion of Senator Haslewood and by unanimous consent H. B. No. 1040 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Education.

#### House Bill 389 Re-referred

On motion of Senator Haslewood and by unanimous consent H. B. No. 389 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### Senate Resolution 513

Senator Richter offered the following resolution:

Whereas, The heroism of a junior high school girl, 14-year-old Sharon Stoeppler, saved the life of her grandmother and reduced the damage to their ranch home northwest of San Marcos when an explosion in the stove set the entire kitchen aflame; and

Whereas, Young Sharon had just stepped inside the door with an armful of kindling when her grandmother, Mrs. Otto Stoeppler, struck a match to start a fire in the kerosene-soaked wood of the kitchen range, and thus the teenage girl witnessed the flash fire which engulfed the room; and

Whereas, With great presence of mind, Sharon pulled her grandmother from the house and rolled her on the ground to extinguish the flames; she

then ran back inside for a blanket to use in completely smothering the fire in her grandmother's clothing; and

Whereas, This job completed, she again returned to the house to shut the kitchen door and cut off the oxygen supply to the fire, after which she started running the quarter of a mile to the Edward Preusser home, barefooted and in a narrow skirt, to bring help; and

Whereas, After reaching the Preusser's home, with the help of neighbors, Mr. and Mrs. Henry Meyer, who picked her up on the road, she called for an ambulance and the fire department, and then returned to her home with the Meyers and Preussers; and

Whereas, With help at hand, Sharon kept right on doing the right thing at the right time; she broke a window of the house while Mr. Preusser brought the garden hose, which she used inside the house in spraying smoldering furnishings, while she held a wet cloth over her nose as protection against the smoke and fumes; and

Whereas, About this time, her grandfather, Otto Stoeppler, came in from the pasture and would have rushed into the smoke- and flame-filled house, but Sharon provided the essential damp cloths for him to use, thus protecting him from serious injury to lungs and eyes; and

Whereas, Sharon is the daughter of Mr. and Mrs. Otto Stoeppler Jr., who teach in the Indian school at Anvik, Alaska, and came back to Texas only this year to live with her grandparents and enroll at San Marcos Junior High School, and when she returned to school with bruised feet, cuts from broken glass, and burns from hot cinders, the tall and attractive miss was so modest and unimpressed by her own deeds that she was surprised at the acclaim of her fellow students and said: "I was so scared I was about to die"; and

Whereas, The Senate of the State of Texas wishes to add its commendations of this youthful heroine to those of her classmates, friends, relatives and neighbors; now, therefore, be it.

Resolved by the Senate of the 59th Legislature, That Sharon Stoeppler be and she is hereby recognized for her bravery and presence of mind under great stress as she saved the life

of her grandmother and kept her grandparents' home of more than 30 years from being demolished by fire; and be it further

Resolved, That copies of this Resolution be prepared for her, her parents, and grandparents, under the Seal of the Senate of Texas as a token of the esteem of this body and of the people of Texas for Miss Sharon Stoeppler.

The resolution was read and was adopted.

#### Senate Bill 523 Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. B. No. 523 was ordered not printed.

#### Senate Bill 524 Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. B. No. 524 was ordered not printed.

#### Senate Bill 525 on First Reading

Senator Creighton by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Creighton:

S. B. No. 525, A bill to be entitled "An Act amending Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended, codified as

Article 200a of Vernon's Civil Statutes, by adding thereto a new paragraph to be numbered Section 10a, authorizing differential pay to any active district judge when assigned to hold court in any county outside of his own judicial district; fixing the amount of such supplementary compensation; making other provisions relating thereto; providing for a repealing clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### House Bill 567 Re-referred

On motion of Senator Hazlewood and by unanimous consent H. B. No. 567 was withdrawn from the Committee on State Affairs and was re-referred to the Committee on Counties, Cities and Towns.

#### Senate Bill 160 With House Amendments

Senator Hall called S. B. No. 160 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend Sections 1, 2, 3, 5, and 7 of Senate Bill No. 160 to read as follows:

"Section 1. The purpose of this Act is to provide that East Texas State University and West Texas State University shall each be conducted, operated and maintained under the general direction and supervision of new and separate Boards of Regents as herein provided."

"Sec. 2. The organization, control and management of East Texas State University shall be vested in a Board of Regents of East Texas State University and the organization, control and management of West Texas State University shall be vested in a Board of Regents of West Texas State University. Each of the Boards shall be composed of nine (9) members who shall be appointed by the Governor of Texas and confirmed by the Senate. Not more than four (4) members of each Board of Regents shall be appointed from or be a resident of any one (1) State Senatorial District and not more than two (2) members

of each Board may be a resident of the county in which the universities are located. Three (3) members of the first Board of Regents of East Texas State University and three (3) members of the first Board of Regents of West Texas State University appointed under this Act shall be designated by the Governor to serve for two (2) years, three (3) for four (4) years, and three (3) for six (6) years, and the members appointed thereafter shall serve for six (6) years. The members of the Boards shall be removable by the Governor for inefficiency or malfeasance of office. Any vacancy that may occur on each Board shall be filled for the unexpired term by appointment by the Governor. Each member of each Board shall be required to take the Constitutional oath of office before entering upon the duties of his office. The first meeting of each Board shall be held at a time and place designated by the Governor. At this meeting each Board shall organize by electing a chairman, and such other officers as it may deem necessary. Thereafter, the chairman of each Board shall convene the Board of Regents to consider any business connected with the university whenever he deems it expedient."

"Sec. 3. On the effective date of this Act, the management and control of the East Texas State University as now vested in the Board of Regents of the Texas State Teachers' Colleges shall be withdrawn from this Board, and shall be vested in the newly created Board of Regents of East Texas State University, as provided herein. All powers, duties, rights, obligations and functions of the Board of Regents of the State Teachers' Colleges as these relate to East Texas State University shall be vested in and/or performed by the Board of Regents of East Texas State University to be executed and administered by said Board under the provisions of this Act and the laws of Texas."

"Sec. 5. Wherever any reference to the Board of Regents of the State Teachers' Colleges insofar as the East Texas State Teachers' College is concerned appears in the Revised Civil Statutes of Texas, 1925, or in any amendment thereto, or in any Acts heretofore enacted, including the provisions, and all support and benefits provided said College within the provisions of Article VII, Section 17, of the Constitution of the State of

Texas, such reference shall on the effective date of this Act, and thereafter, mean and apply to the Board of Regents of the East Texas State University, it being the legislative intent that all powers granted to the Board of Regents of the State Teachers' Colleges, insofar as the East Texas State University is concerned, shall be transferred to the Board of Regents of the East Texas State University."

"Sec. 7. The scope of work and activities of the East Texas State University and the West Texas State University shall be the same as are now being carried on by the existing East Texas State University and West Texas State University, and for which they are authorized, said work and activities to be increased or diminished, altered or changed in any manner deemed by the new Governing Boards to be conducive to the betterment of the services offered, or which may be offered, by such institutions to the people of Texas."

#### Amendment No. 2

Amend Senate Bill No. 160 by striking all above the enacting clause and substituting the following:

#### "A BILL TO BE ENTITLED

AN ACT transferring control and management of East Texas State University and West Texas State University from the Board of Regents of the State Teachers' Colleges to new Boards of Regents; providing for the creation of Governing Boards to be appointed by the Governor and confirmed by the Senate with residential limitations as to board members and their length of term of office; providing for the filling of vacancies occurring on the Governing Boards and removal for certain causes; providing for the qualifying of appointees to the boards, and their organization; providing for the work and activities to be pursued in said universities and subject to actions of the Governing Boards; providing all powers, duties, rights, obligations, and functions of the Board of Regents of the State Teachers' Colleges as these relate to the East Texas State University and West Texas State University shall be vested in and/or performed by the new Boards of Regents on the effective date of this Act; providing

a repealing clause; and declaring an emergency."

The House amendments were read.

Senator Hall moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—24

Aikin	Herring
Bates	Hightower
Blanchard	Kazen
Calhoun	Patman
Colc	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Watson

Nays—6

Dies	Moore
Kennard	Parkhouse
Krueger	Strong

Absent

Word

#### Report of Standing Committee

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 1040, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

#### House Bill 1040 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 1040 was ordered not printed.

#### Senate Bill 48 With House Amendment

Senator Watson called S. B. No. 48 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend Section 2, by striking out after word "than" \$8,400 and substituting therefor "\$7,800."

Amend Section 2, by striking all words after "\$9,600" and substituting therefor "as authorized by the district judge and with the approval of the Commissioner's Court of Bell County."

The House amendment was read.

Senator Watson moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

**House Bill 865 Ordered Not Printed**

On motion of Senator Crump and by unanimous consent H. B. No. 865 was ordered not printed.

**Reports of Standing Committees**

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 389, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RATLIFF, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 525, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 567, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RATLIFF, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 416, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

**House Bill 567 Ordered Not Printed**

On motion of Senator Ratliff and by unanimous consent H. B. No. 567 was ordered not printed.

**House Bill 389 Ordered Not Printed**

On motion of Senator Hazlewood and by unanimous consent H. B. No. 389 was ordered not printed.

**Senate Resolution 511**

The Senate resumed the consideration of the pending business, same being S. R. No. 511.

Question—Shall S. R. No. 511 be adopted?

**Senate Joint Resolution 47 on First Reading**

Senator Strong moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended



to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senators Strong, Reagan, Krueger, Hall, Hardeman, Word, Ratliff, Cole and Aikin:

S. J. R. No. 47, Proposing an amendment to the Constitution of the State of Texas, to provide for six-year terms of office for Senators and four-year terms of office for Representatives.

To the Committee on Constitutional Amendments.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 96, Suspending the Joint Rules.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### Constitutional Amendments Committee Granted Permission to Meet While Senate in Session

On motion of Senator Kazen and by unanimous consent, the Committee on Constitutional Amendments was

granted permission to meet while the Senate was in Session.

#### Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 456, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

#### House Bill 456 Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent H. B. No. 456 was ordered not printed.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 93, Inviting Governor Frank B. Morrison of Nebraska to address the Legislature.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### Report of Standing Committee

Senator Kazen by unanimous consent submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 47, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

**Senate Joint Resolution 47 Ordered Not Printed**

On motion of Senator Strong and by unanimous consent S. J. R. No. 47 was ordered not printed.

**Senate Bill 525 Ordered Not Printed**

On motion of Senator Creighton and by unanimous consent S. B. No. 525 was ordered not printed.

**Report of Standing Committee**

Senator Ratliff submitted the following report:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 311, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

**Senate Resolution 511**

The Senate resumed the consideration of the pending business, same being S. R. No. 511.

Question—Shall S. R. No. 511 be adopted?

Senator Hardeman by unanimous consent temporarily withdrew the pending resolution.

**House Concurrent Resolution 96 on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 96, Suspending Joint Rules of House and Senate to consider a Senate Joint Resolution on Wednesday, April 21, 1965.

The resolution was read.

On motion of Senator Watson and by unanimous consent the resolution was considered immediately and was adopted.

**Senate Joint Resolution 47 on Second Reading**

Senator Strong moved that Senate Rules 13, 32 and 38 and the Consti-

tutional Rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 47 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Kazen
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Snelson
Harrington	Strong
Hazlewood	Watson
Herring	Word

**Nays—6**

Bates	Patman
Hightower	Schwartz
Kennard	Spears

**Absent**

Crump

The President then laid before the Senate on its second reading and passage to engrossment the following resolution:

S. J. R. No. 47, Proposing an amendment to the Constitution of the State of Texas, to provide for six-year terms of office for Senators and four-year terms of office for Representatives.

The resolution was read the second time and was passed to engrossment.

**Record of Votes**

Senators Patman, Hightower, Kennard and Rogers asked to be recorded as voting "Nay" on the passage of S. J. R. No. 47 to engrossment.

**Senate Joint Resolution 47 on Third Reading**

The Constitutional Rule requiring resolutions to be read on three several days having been suspended, the President laid S. J. R. No. 47 before the Senate on its third reading and final passage.

The resolution was read the third time.

Senator Strong offered the following amendment to the resolution:

Amend S. J. R. No. 47 by deleting the figures 1966 from Section 3 and substituting the figures 1965 in lieu thereof.

The amendment was read and was adopted by the following vote:

**Yeas—24**

Aikin	Hightower
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Snelson
Harrington	Strong
Hazlewood	Watson
Herring	Word

**Nays—6**

Bates	Patman
Kazen	Schwartz
Kennard	Spears

**Absent**

Crump

The resolution was passed by the following vote:

**Yeas—22**

Aikin	Herring
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Snelson
Hardeman	Strong
Harrington	Watson
Hazlewood	Word

**Nays—8**

Bates	Patman
Hightower	Rogers
Kazen	Schwartz
Kennard	Spears

**Absent**

Crump

**Minority Report on Senate Bill 151**

We, the following members of the Jurisprudence Committee, do hereby give notice under Senate Rule 110 of a favorable minority report for S. B.

151 and within the required ten days a motion will be made to substitute this minority report for the majority report. We were present at the committee hearing and voted on the minority side.

SCHWARTZ  
SPEARS  
WATSON

**Memorial Resolution**

S. R. No. 510—By Senator Snelson: Memorial resolution for Hugh B. Dwyer.

**Welcome Resolutions**

S. R. No. 512—By Senator Krueger: Extending welcome to students and teachers of Yorktown High School of Yorktown.

S. R. No. 514—By Senator Watson: Extending welcome to students, teachers and sponsors of Yoe High School of Cameron.

S. R. No. 515—By Senator Herring: Extending welcome to students and teachers of Florence Junior High School.

S. R. No. 516—By Senator Hall: Extending welcome to Mr. and Mrs. John Armstrong and Mr. and Mrs. Harold Doyle of Commerce.

**Adjournment**

Senator Aikin moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Senator Patman moved that the Senate take recess until 2:30 o'clock p.m. today.

Question first on the motion to adjourn until 10:30 o'clock a.m. tomorrow, the motion prevailed.

Accordingly, the Senate at 12:24 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**Record of Vote**

Senator Patman asked to be recorded as voting "Nay" on the motion to adjourn.

**APPENDIX**

**Reports of Standing Committee**

Senator Hardeman submitted the following reports:

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 487, "An Act authorizing the Board of Directors of Texas A & M University to accept James Connally Air Force Base on behalf of the State of Texas and to establish thereon the James Connally Technical Institute of Texas A & M University offering vocational and vocational-technical education programs, providing for severability; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 28, "An Act making it unlawful for any person formally charged with or convicted of a misdemeanor and confined in jail to escape therefrom, or the lawful custody of an officer, or any person authorized by law to have such person in his custody; defining terms; prescribing a penalty for violation thereof; enacting other provisions relating to the subject; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 123, "An Act to amend Acts, 1943, 48th Legislature, Page 619, Chapter 358, as amended by subsequent Acts, the latest amendment being Acts, 1961, 57th Legislature, 1st Called Session, Page 18, Chapter 5, known as and codified as Article 6243g of Vernon's Annotated Texas Statutes relating to municipal pension systems in certain cities of this

State; providing for severability; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to the Governor

April 21, 1965

S. B. No. 407  
S. B. No. 226  
S. B. No. 174  
S. B. No. 28  
S. B. No. 487  
S. B. No. 123  
S. C. R. No. 74  
S. C. R. No. 54

### FIFTY-THIRD DAY

(Thursday, April 22, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

(Senator Aikin in the Chair.)

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.